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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,152	01/13/2005	Fulvio Boldrini	2545-0465	9116

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Harbin King & Klima  
500 Ninth Street SE  
Washington, DC 20003

EXAMINER

DESAI, HEMANT

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/521,152

Applicant(s)

BOLDRINI ET AL.

Examiner

Hemant M. Desai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 6-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-13, 16-21 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reil et al. (5069021) in view of Traczyk et al. (4732027).

Reil et al. disclose a system for manufacturing containers (9, fig. 1) comprising a supporting structure whereas the system is composed entirely of parts associated with the supporting structure (see fig. 2), namely, a forming sector (20, 21, 40, figs. 1-2) supplied with a continuous strip of forming material (2, figs. 1-2) used in the preparation of at least one blank (7, fig. 1) from which to fashion a respective container (9), and establishing a first leg of a feed path followed by the material (see fig. 1, ref. no. 20, 21, 22), the forming material comprising at least a paper material (paper web 2, see col. 7, lines 27-43), a transfer device (25, fig. 2) operating downstream of the forming sector, serving to distance the forming material (7) from the forming sector and establishing a second leg of the feed path followed by the material (see fig. 1 and column 7, lines 57 to 62) and a shaping sector (8, fig. 2) operating downstream of the forming sector, by which each blank (7) emerging from the forming sector is folded and caused ultimately by means of a fixing operation (70, fig. 3) to assume the shape of the container (9) produced by the folding step, the shaping sector (8) establishing a third leg of the feed

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path followed by the forming material (see fig. 1, ref. no. 8, 9), the first leg of the feed path extending substantially parallel to the longitudinal dimension of the supporting structure (20, fig 2), the second leg of the feed path extending transversely to the first leg (see figs. 1 and 2, ref. no. 7, 25 and column 7, lines 57 to 60), the third leg of the feed path extending substantially parallel to the first leg and transversely to the second leg (see figs. 1 and 2, ref. no. 8 and column 7, line 67 to column 8, line 6 as well as column 9, lines 7 to 8).

Reil et al., as mentioned above, disclose all the limitations, except the footprint of the three legs having C-shaped configuration. However, Traczyk et al. teaches a system for manufacturing containers having C-shaped configuration (see fig. 1) to allow a single operator in the center to visually observe all modules without any movement (see col. 4, lines 60-68). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide C-shaped configuration of the three legs of the system for manufacturing containers of Reil et al. as taught by Traczyk et al. to allow a single operator in the center to visually observe all modules without any movement.

Regarding claim 2, the forming sector (20, 21, 40) (6) and the shaping sector (8) are arranged in line operationally, so that the path followed by the forming material (8, 9) when advancing between the forming sector and the shaping sector is substantially linear.

Regarding claim 3, wherein the shaping sector (8) comprises at least two substantially parallel shaping lines (see fig. 1) onto which the forming material (9) emerging from the forming sector is directed.

Regarding claim 6, the forming sector (20, 21, 40) comprises a feed station (1, fig. 1) supplying the forming material (2), a cutting station (6, fig. 1, 42, fig. 2) operating downstream of the feed station (1), by which the forming material (2) is divided into a succession of discrete lengths each constituting a respective blank (7, fig. 1), and a pre-forming station (8) operating downstream of the feed station, by which the forming material (2) is bent initially.

Regarding claim 7, the feed station comprises at least one main supply reel (1, fig. 1) carrying a coiled continuous strip (2) of the forming material and rotatable about a respective longitudinal axis in such a way that the continuous strip of forming material can be de-coiled.

Regarding claim 8, the feed station comprises at least one auxiliary supply reel (23, figs. 1-2) carrying a further continuous strip (24, figs. 1-2) of the forming material that can be spliced to the continuous strip of the main reel.

Regarding claim 9, the first leg of the feed path followed by the forming material is established by a plurality of guide elements (3, fig. 2) constituting part of the feed station.

Regarding claim 10, the system comprising a traction device (41, fig. 2) operating by direct interaction with the forming material at a point downstream of the feed station and serving to de-coil the selfsame material from the relative supply reel.

Regarding claim 11, the traction device (41) comprises a pair of pinch rolls (see fig. 2), positioned mutually tangential and establishing a passage through which the forming material is directed.

Regarding claim 12, the system comprising one tensioning device (4a, 4b, fig. 2) operating upstream of the traction device (41) and in such a manner that the segment of forming material extending downstream of the selfsame device is subjected to a predetermined longitudinal tension.

Regarding claim 13, the tensioning device comprises at least one pair of pinch rolls (4a, 4b), positioned mutually tangential and establishing a passage (16b) through which the forming material is directed, including at least one roll subjected to a braking action when in rotation in such a way as to tension the forming material advancing through passage of the device.

Regarding claims 16 and 17, the scoring station (40, fig. 2) is positioned to operate at a point along the feed path followed by the forming material (9), between the feed station and the cutting station (6).

Regarding claims 18 and 19, the cutting station (6, 42) can be timed to alternate between the idle position and the operating position synchronously with the movement of the press of the scoring station (40) between the relative idle position and operating position, in such a manner that the press of the scoring station and the blade of the cutting station are made to engage the advancing forming material simultaneously.

Regarding claim 20, the transfer device comprises at least one gripper element (4a, 4b) serving to take up each blank of forming material) released from the cutting

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station (42), and capable of movement along the second leg of the feed path between the cutting station (42) and the shaping sector (8) to the end of advancing each successive blank (7).

Regarding claim 21, the pre-folding station (8) operates at a point on the second leg of the feed path downstream of the cutting station (42), in such a manner as to initiate a bend in the length of forming material edge of the advancing material (7).

Regarding claim 26, the shaping sector comprises a folding station (27, fig. 2) at which each blank (7) is bent along the crease lines in such a way as to take on the shape of the container (8) being manufactured, and a sealing or welding station (see fig. 3) located downstream of the folding station (27), where each blank (7) is secured in the configuration presented on emerging from the folding station (27) to assume the definitive shape of the relative container.

Regarding claim 27, the sealing or welding station comprises at least one sealer or welder (70, fig. 3) to fix each blank (7) in the definitive configuration of the manufactured container.

Regarding claim 29, the system comprising feed means (3, 4a, 4b, 41) and serving to guarantee the movement of the folding material (7) between the stations of the system.

3. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reil et al. and Traczyk et al. as applied to claim 12 above, and further in view of Ammons et al. (6599225).

The system for manufacturing containers of Reil et al. as modified by Traczyk et al. meets all the claimed limitations of claims 14 and 15, except for a sterilizing device. However, Ammons et al. teach the sterilizing device (328, figs. 3-4) in the system of manufacturing containers to sterilize the containers. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the sterilizing device in the modified system for manufacturing containers of Reil et al. as taught by Ammons et al. to sterilize the containers.

4. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reil et al. and Traczyk et al. as applied to claim 10 above, and further in view of Mongard (5704541).

The system for manufacturing containers of Reil et al. as modified by Traczyk et al. meets all the claimed limitations of claims 22-25, except for the seam-folding means by which the bonding edge is bent double along its length in such a way that the bonding edge of each blank will present a treated portion directed toward the inside of the relative container. However, Mongard, teaches the seam-folding means by which the bonding edge is bent double along its length (see figs. 2-4) so that that the side edge is not exposed to the liquid product within the container and thus to prevent soaking of the paper board core of the container thereby degrading the seals and compromising the integrity of the package by preventing the wicking or capillary action (see col. 2, lines 5-11; col. 3, lines 35-29). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bonding edge is bent double along its length in the folding means of the modified system for manufacturing



containers of Reil et al. as taught by Mongard to prevent soaking of the paper board core of the container thereby degrading the seals and compromising the integrity of the package by preventing the wicking or capillary action.

***Response to Arguments***

5. Applicant's arguments filed 8/11/2006 have been fully considered but they are not persuasive. In response to applicant's argument that Traczyk teaches a system for manufacturing containers made of metal material and does not teach or suggest a container made of paper material, or manufacturing such a container made of paper material. Therefore, the invention of claim 1 is quite different from the field of invention of Traczyk. A person of ordinary skill in the art would not turn to the field of manufacturing metal containers to seek solutions to problems in manufacturing containers made of a paper material. In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 601 (CCPA 1915). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining reference is what the combination of disclosures take as a whole would suggest to one of the ordinary skill in the art. *In re McLaughlin*, 110 USPQ 209 (CCVA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969). In this case Examiner relied on the secondary reference, Traczyk to show that the footprint

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of the three legs having C-shaped configuration in manufacturing facility is well known for its efficiency. The primary reference, Reil et al., as mentioned in the above rejection, discloses all the claimed limitations of claim 1, except for the footprint of the manufacturing facility. Therefore taking both the references as a whole would suggest to one of ordinary skill in the art to provide C-shaped configuration of the three legs of the system for manufacturing containers of Traczyk in the system for manufacturing containers of Reil et al. to improve the efficiency of the manufacturing system.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Hemant M. Desai.*

Hemant M Desai  
Examiner  
Art Unit 3721

HMD